

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN P. SILVA,

Defendant.

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8:09CR63

ORDER

For good cause shown,

IT IS ORDERED that defendant's Motion to Continue Trial (Doc. 24) is granted, as follows:

1. The jury trial now set for May 5, 2009 is continued to **June 2, 2009**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between May 5, 2009 and June 2, 2009, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflict and the pending Motion to Withdraw, and because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. The defendant shall file an updated affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3 as soon as is practicable.

DATED April 21, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**